

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 VENESHIA OLIVER,

4 Plaintiff

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants

8 Case No. 2:25-cv-00813-GMN-BNW

9 **ORDER**

10 On May 8, 2025, pro se plaintiff Veneshia Oliver, an inmate in the custody of the Nevada
11 Department of Corrections, submitted a collection of documents that appear to seek relief in her
12 **state** postconviction writ proceeding (A-24-886637-W). (See ECF No. 1). Plaintiff did not file a
13 complaint, and she neither paid the full \$405 filing fee nor filed a complete application to proceed
14 *in forma pauperis* on the correct form for this **federal** action. The Court will grant Plaintiff an
15 extension of time to correct these defects. Alternatively, if Plaintiff did not intend to initiate this
16 **federal** civil action but meant to file the documents in her **state** action, then she may file a notice
under Federal Rule of Civil Procedure 41(a)(1)(A)(i) voluntarily dismissing this action.

17 **I. DISCUSSION**

18 **A. Filing Fee**

19 This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a).
20 As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350
21 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to
22 prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev.
23 LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of
24 the following documents to the Court: (1) a completed **Application to Proceed in Forma**
25 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by
26 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s
27 approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a
28 copy of the **inmate’s prison or jail trust fund account statement for the previous six-month**

1 **period.** See 28 U.S.C. § 1915(a)(1), (2); Nev. LSR 1-2. *In forma pauperis* status does not relieve
 2 an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee
 3 in installments. See 28 U.S.C. § 1915(b).

4 **B. Complaint**

5 A pro se plaintiff must file a complaint on the form provided by this Court or it must be
 6 legible and contain substantially all the information called for by the Court's form. Nev. LSR 2-1.
 7 Plaintiff's initiating documents do not constitute a complaint. Rather, they appear to seek relief in
 8 Plaintiff's state action. If Plaintiff wishes to proceed with this federal civil-rights action, she must
 9 file a complaint on the Court's approved form.

10 **II. CONCLUSION**

11 It is therefore ordered that Plaintiff has **until June 11, 2025**, to accomplish the following
 12 two items:

13 1. File a signed complaint using the correct form for federal court.
 14 2. Either pay the full \$405 filing fee or file a fully complete application to proceed *in*
 15 *forma pauperis* with all three of the following required documents: a completed application with
 16 the inmate's two signatures on page 3; a completed financial certificate that is signed both by the
 17 inmate and the prison or jail official; and a copy of the inmate's trust fund account statement for
 18 the previous six-month period.

19 Alternatively, if Plaintiff did not intend to initiate this federal civil action but perhaps meant
 20 to file the initiating documents in her state action, it is further ordered that Plaintiff has **until June**
 21 **11, 2025**, to file a notice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) voluntarily
 22 dismissing this action without prejudice.

23 Plaintiff is advised that the Court will not file her documents with the state court.

24 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if she
 25 fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the
 26 case with the Court, under a new case number, when she can file a complaint and either file a
 27 complete application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff this Court's approved 42 U.S.C. § 1983 complaint form with instructions and application to proceed *in forma pauperis* for an inmate with instructions.

DATED: May 12, 2025

Bernard Weisbord
UNITED STATES MAGISTRATE JUDGE